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June 11, 2014

**VIA ECF**

Honorable J. Paul Oetken  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007-1312

**RE: Freeplay Music, LLC v. Makita U.S.A., Inc. et al.**  
**S.D.N.Y. Case No. 13 cv 05235 (JPO)**

Dear Judge Oetken:

This firm represents plaintiff, Freeplay Music, LLC, in connection with the above referenced matter. We are filing this letter with the consent of counsel for the defendants, Makita U.S.A., Inc. and Makita Corporation, to request an extension of the time to restore the action to the Court's calendar.

As the Court may recall, the parties had previously requested an adjournment of a number of motions in light of a pending settlement (ECF 65). In response, the Court granted the parties' request and ordered that the action be dismissed without prejudice but that it could be restored to the calendar within 30 days of the Order of Dismissal (ECF 66). The deadline to restore the action to the calendar is currently June 13, 2014. The parties have exchanged a written draft of a settlement agreement and anticipate that it will be fully executed shortly. However, Freeplay has yet to receive a copy of the fully executed settlement agreement from the defendants and would like to preserve the ability to restore the action if necessary. As such, Freeplay respectfully request a sixty (60) day extension of the deadline to restore the action to the calendar while it waits to receive a fully executed copy of the settlement agreement from the defendants and to ensure that the defendants perform certain obligations within thirty (30) days of execution of the settlement agreement before the matter is marked off the calendar with prejudice.

Please feel free to contact the undersigned should you have any questions and we thank the Court in advance for its accommodation.

Respectfully,

Seth L. Berman

cc: All Attorneys of Record via ECF